

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

**NOTE:** There is one Extraordinary issue to the Official Gazette, Series I, No. 16, dated 15-7-93, as follows:

- 1) Extraordinary dated 21-7-93 from pages 247 to 248 regarding Notification from Urban Development Department.

### GOVERNMENT OF GOA

#### LEGISLATURE SECRETARIAT

#### Notification

LA/B/3164/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 9-7-93 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Dated 16th July, 1993.

The Goa Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Bill, 1993

(Bill No. 19 of 1993)

A

#### BILL

To provide for regulation of exhibition of films on Television Screen through Video Cassette Recorders and through Cable Television Network in the State of Goa and for matters incidental or ancillary thereto;

Be it enacted by the Legislative Assembly of the State of Goa in the Forty-Fourth year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called—The Goa Exhibition of films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Act, 1993.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

- (1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;
- (2) "Cable Television Network" means a system of transmission of film through cable to a Television;
- (3) "film" means a cinematograph film recorded on video cassette tape;
- (4) "Government" means the Government of Goa;
- (5) "Licensing authority" means Collector of district;
- (6) "Place" includes a house, building, tent and any description of transport, whether by water, land or air;
- (7) "Video Cassette Recorder" means a cinematograph for the purpose of giving cinematograph exhibition of film recorded on Video cassette tape;
- (8) "Video Library" means a place by whatever name called where, the business of selling, letting to hire, distribution, exchange or putting into circulation in any manner whatsoever, of film for purposes of exhibition is carried on.

**3. Exhibition of film to be licenced.**—(1) (a) Save as otherwise provided in this Act no person shall give an exhibition of film on Television screen through Video Cassette Recorder—

- (i) except under and in accordance with a licence granted under section 6 read with section 5 of this Act; and
- (ii) elsewhere than in a place for which permission has been granted under section 7 read with section 5 of this Act.

(b) Where, in respect of any place, a licence has been granted under this Act for exhibition of film on Television screen through Video Cassette Recorder, no business other than the exhibition of film on Television screen through Video Cassette Recorder shall be carried on in such place, by any person and at any time.

(2) Save as otherwise provided in this Act, no person shall give an exhibition of film through the Cable Television Network except and in accordance with a licence granted under section 6 read with section 5 of this Act."

(3) Nothing contained in clause (a) of sub-section (1) shall apply to any exhibition of film on Television screen through Video Cassette Recorder for domestic purposes to the family members of the household only.

(4) No person shall be eligible for applying for a licence under this section, if he has been convicted of an offence under Goa, Daman & Diu Entertainment Tax Act, 1964 unless period of two years has elapsed since his conviction.

**4. Keeping of Video Library to be licenced.** — (1) Save as otherwise provided in this Act, no person shall keep any Video Library except under, and in accordance with a licence granted under this Act.

(2) Where a person keeps more than one Video Library whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each such Video Library.

(3) Every licence for keeping a Video Library shall, save as otherwise provided in this Act, expire on the last day of the year in which it was granted but may be renewed from year to year.

**5. Grant and refusal of licence.**— (1) Every application for a licence or permission under this Act shall be in writing and contain:—

- (a) the name of the applicant;
- (b) the place at which the exhibition is to be given or the Cable Television Network is to be operated or the Video Library is to be kept;
- (c) the number of seats to be installed, in the case of exhibition of film;
- (d) the number of connections to be given through cables; and;
- (e) such other particulars as may be prescribed, and shall be made to the licensing authority.

(2) Every licence or permission under this Act shall be granted in such form and subject to such terms, conditions and restrictions and on payment of such fee not exceeding one thousand rupees as may be prescribed.

**6. Restrictions on Powers of licensing authority.**—

(1) The licensing authority shall, in deciding whether to grant or refuse a licence for exhibition of film on television screen through Video Cassette Recorder or through Cable Television Network, have regard to the following matters, namely:—

- (a) the interest of the public generally;
- (b) the status, antecedents and previous experience of the applicant;

*Explanation.*— For the purpose of this clause the expression "antecedents" means the conduct of the

applicant in relation to the payment of any tax or dues payable by him to the Govt.

- (c) the suitability of the place where the exhibition of film on Television screen through Video Cassette Recorder is proposed to be given;
- (d) the adequacy of existing places for the exhibition of film on Television screen through Video Cassette Recorder in the locality;
- (e) the benefit to any particular locality or localities to be afforded by the opening of a new place of exhibition of film on Television Screen through Video Cassette Recorder;
- (f) the possession by the applicant, of other places, if any, licensed under this Act, whether in the same locality or elsewhere, and whether at the time of applying for the licence or at any previous time; and shall also take into consideration any representations made by persons already giving exhibition of cinematograph film or film on Television Screen through Video Cassette Recorder or through Cable Television Network in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of exhibition of cinematograph film or film on Television screen through Video Cassette Recorder or through Cable Television Network.

(2) The licensing authority shall, in deciding whether to grant or refuse to grant or renew or refuse to renew a license for keeping any Video Library, have regard to the interest of the public generally and such other matters as may be prescribed.

(3) The licensing authority shall not grant a licence under this Act unless it is satisfied.—

- (a) that the rules made under this Act have been substantially complied with; and
- (b) in the case of an application for the grant of a licence for exhibition of film, that adequate precautions have been taken in the place, in respect of which the licence is to be granted, to provide for the safety, convenience and comfort of the persons attending exhibitions therein.

(4) The licensing authority may, by order in writing, refuse to grant a licence for exhibition of film on Television Screen through Video Cassette Recorder or through Cable Television Network or refuse to grant or renew a licence for keeping any Video Library, if such authority is satisfied that—

- a) The applicant has not complied with the provisions of this Act or the rules made thereunder in respect of the application for the grant of a licence; or
- b) The applicant has made wilful default in complying with or knowingly acted in contravention of, any requirement of this

Act or the rules made thereunder or the terms and conditions of, and restrictions upon, any licence granted under this Act; or

- c) In the case of an applicant for a licence for exhibition of film, such applicant has been convicted of an offence under the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or the Goa, Daman and Diu Entertainment Tax Act, 1964.

(5) The licensing authority may after consideration of the matters set forth in sub-section (1), limit the number of places in any area in respect of which licences to exhibition of film on Television screen through Video Cassette Recorder or through Cable Television Network under this Act may be granted.

(6) The licensing authority shall not grant a licence unless it is satisfied that adequate precautions have been taken in the place, in respect of which the licence has to be granted to provide for the safety, convenience and comfort of the persons attending exhibitions therein or, as the case may be, visiting the Video Library.

(7) In granting or refusing to grant a licence under this Act, the licensing authority may consult such authority or officer as may be prescribed.

(8) Subject to the foregoing provisions of this section, the licensing authority may grant licences under this Act to such persons and on such terms and conditions and subject to such restrictions as it may determine. When the licensing authority refuses to grant any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

(9) Every licence under this Act shall be personal to the person to whom it is granted and not transfer or assignment thereof, whether absolute or by way of security or otherwise shall be valid unless approved in writing by the licensing authority.

7. Licensing authority to permit construction and reconstruction of building, installation of machinery, etc., for exhibition of film.—

(1) Any persons who intends:—

- (a) to use any place for the exhibition of film on Television screen through Video Cassette Recorder, or
- (b) to use any site for constructing a building thereon for the exhibition of film on Television screen through Video Cassette Recorder, or
- (c) to construct or reconstruct any building for such exhibition of film, or
- (d) to install any machinery in any place where such exhibition of films are proposed to be given, shall make an application in writing to the licensing authority for permission thereof together with such particulars as may be prescribed.

(2) The licensing authority shall thereupon after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions relating to licences for exhibition of film on

Television screen through Video Cassette Recorder shall, so far as may be apply to permission under this section.

8. *Power to issue direction.*— (1) The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of film on Television screen through Video Cassette Recorder or through Cable Television Network or the keeping of Video Library, to licensing authorities; and every licensing authority shall give effect to such orders and directions.

(2) The licensing authority may, from time to time, issue directions to any licensee or licensee generally to whom licence for exhibition of film on Television screen through Video Cassette Recorder or through Cable Television Network is granted under this Act, requiring the licensee or licensees to exhibit in each show such slides or public interest as may be supplied by that authority:

Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in, any one show.

9. *Licensee to exhibit only certified films.*— (1) No person licensed under this Act to give an exhibition of film on Television screen through Video Cassette Recorder or through Cable Television Network shall exhibit or permit to be exhibited any film other than a film which has been certified as suitable for public exhibition by the authority constituted under section 3 of the cinematograph Act, 1952 (Central Act XXXVII of 1952), and which, when exhibited, displays the prescribed mark of that authority and has not been altered or tampered with in any way since such mark was affixed thereto.

(2) No person licensed under this Act for keeping a Video Library shall sell, let to hire, distribute, exchange or put into circulation in any manner whatsoever any film other than a film which has been certified as suitable for public exhibition by the authority constituted under section 3 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), and which when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since mark was affixed thereto.

10. *Power of Government or licensing authority to suspend exhibition of film in certain cases.*—

(1) The Government in respect of the whole of the State or any part thereof, and the licensing authority within his jurisdiction, may if they or he are or is of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of such film on Television screen through Video Cassette Recorder or through Cable Television Network: and during such suspension no person shall exhibit such film or permit it to be exhibited in any place in the State or any part or district thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given reasonable opportunity of showing cause against the order proposed to be issued in regard to him.

(3) Where an order under sub-section (1) has been issued by the licensing authority, a copy thereof, together with a statement of the reasons thereof shall forthwith be forwarded by him to the Government and the Government may on consideration of all the facts of the case either confirm or vary or discharge the order.

(4) An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit:

Provided that the Government or the licensing authority may review their own order.

**11. Power to revoke or suspend licence.—** (1) Where the holder of a licence for exhibition of film on Television screen through Video Cassette Recorder or through Cable Television Network has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952) or of an offence under this Act, the licence may be revoked or suspended by the licensing authority by an order in writing.

(2) If the licensing authority is satisfied, either on a reference made to it in this behalf or otherwise, that—

- (a) A licence granted under this Act has been obtained by misrepresentation or fraud as to an essential fact, or
- (b) The licensee has, without reasonable cause, failed to comply with any of the provisions of this Act or of the rules made thereunder, or any of the terms and conditions of, or restrictions upon, or subject to which the licence has been granted, then without prejudice to any other penalty to which the licensee may be liable under this Act, the licensing authority may, after giving the licensee an opportunity of showing cause, revoke or suspend the licence.

(3) Where the licensing authority revokes or suspends any licence under sub-section (2), it shall do so by an order communicated to the licensee giving the reasons in writing for such revocation or suspension.

**12. Appeal,—** (1) Any person aggrieved by an order of the licensing authority refusing to grant or renew a licence or an order of revocation or suspension of a licence or a decision refusing to approve any transfer or assignment of licence under this Act may, within such time and on payment of such fee as may be prescribed appeal to the Administrative Tribunal or to such other authority as the Government may specify in this behalf. The Administrative Tribunal or such authority may make such orders as it may think fit.

(2) The appellate authority referred to in sub-section (1) may stay the execution of any such order, pending exercise of its powers under sub-section (1) in respect thereof.

**13. Powers of revision by Government.—** (1) The Government may, on their own motion or on application call for and examine the record of the appellate authority in respect of any proceeding under this Act, to satisfy themselves as to the legality of such proceeding or the correctness, legality or propriety of any order made thereunder; and if in any case it appears to the Government that any such proceeding order should be modified, annulled reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that every application to the Government for the exercise of the powers under this section shall be preferred within such time as may be prescribed and shall be accompanied by such fee as may be prescribed.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

(3) The Government may stay the proceeding or the execution of the order pending the exercise of their power under sub-section (1) in respect thereof.

**14. Penalties.—** (1) Any person who contravenes or attempts to contravene or abets the contravention of the provisions of section 9 in so far as it relates to the exhibition of film through Video Cassette Recorder shall be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both and in the case of a continuing offence with a further fine which may extend to one thousand rupees for each day during which the offence continues.

(2) Any person who contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act other than section 9 or any rule made thereunder or of the terms and conditions of, and restrictions upon, any licence granted under this Act in so far as it relates to the exhibition of film through Video Cassette Recorder shall be punishable with imprisonment which may extend to one year and shall also be liable to fine.

(3) Any person who contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act other than section 9 or any rule made thereunder or of the terms and conditions of, and restrictions upon, any licence granted under this Act in so far as it relates to the exhibition of film through Cable Television Network, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and also with fine which shall not be less than twenty thousand rupees but which may extend to one lakh rupees.

(4) Any person who contravenes or attempts to contravene or abets the contravention of the provisions of section 9 in so far as it relates to the exhibition of film through Cable Television Network shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year and also with fine which shall not be less than ten thousand rupees but which may extend to seventy five thousand rupees and in the

case of a continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues.

**15. Offences by companies.**— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in-charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.**— For the purposes of this section,—  
(a) "Company" means anybody corporate and include a firm or other association of individuals; and (b) "director" or in relation to a firm means a partner in the firm.

**16. Power to enter search and seize.**— (1) It shall be lawful for any police officer not below the rank of a Superintendent of Police or Deputy Superintendent of Police,—

- (a) to enter, if necessary by force, whether by day or night, with such assistants as he considers necessary, any premises, which he has reason to suspect, are being used for purposes connected with the exhibition of films on the Television screen through Video Cassette Recorder or through Cable Television Network or keeping a Video Library in contravention of the provisions of this Act;
- (b) to search the premises and persons whom he may find therein;
- (c) to take into custody and produce before a Judicial Magistrate such persons as are concerned or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the exhibition of film on Television Screen through Video Cassette Recorder or Cable Television Network or keeping a Video Library in contravention of the provisions of this Act;
- (d) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such exhibition of film or keeping a Video Library.

(2) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

**17. Confiscation of film.**— Films exhibited or kept in contravention of the provisions of this Act, the rules made thereunder or the terms and conditions of, and restrictions upon, a licence granted under this Act alongwith the Video Cassette Recorder and the machinery used in Television Network, if any, used in the exhibition of film shall be liable to confiscation by an order of the Court having jurisdiction.

**18. Power to try offence.**— No court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act.

**19. Offence under this Act to be cognizable.**— Any offence punishable under this Act shall be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

**20. Power to exempt.**— Notwithstanding anything contained in this Act, if the Government are satisfied that it is necessary or expedient in the public interest so to do, they may, by notification, exempt, subject to such conditions as they deem fit, any class of person from the provisions of this Act in so far as they relate to the exhibition of film on Television screen through Video Cassette Recorder or through Cable Television Network.

**21. Power to make rules.**— (1) Government may make rules for carrying out all or any of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for,—

- (a) (i) the form and the particulars to be furnished in an application for grant of licence under this Act;  
(ii) the guidelines to determine the suitability of the place for the purpose of clause (c) of sub-section (1) of section 6;
- (b) the form in which, and the terms, conditions and restrictions subject to which, a licence under section 3 or under section 4 may be granted, the fees to be paid in respect of such licence and the authority or officer which or who may be consulted in granting such licence;
- (c) the procedure to be followed by persons submitting applications for permission under section 7;
- (d) the documents and plans to be submitted together with such applications, and the fees to be paid on such applications;
- (e) the matter to be taken into consideration by the licensing authority before approving the site for the construction of the building, or the plans for the construction or reconstruction of the building or the installation of machinery;
- (f) the terms, conditions and restrictions subject to which the licensing authority may



accord approval in respect of the matters referred to in clause (c);

- (g) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded;
- (h) the procedure to be followed by the licensing authority before granting or refusing permission under section 7 and any other matter incidental thereto; and
- (i) the fee to be paid in respect of an appeal or application for revision.

(3) (a) All rules made under this Act shall be published in the Goa Government Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

- (b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the Table of the House of the Legislature, and if, before the expiry of the Session in which it is so placed or the next session, the House agrees in making any modifications in any such rule or notification or the House agrees that the rule or notification should not be made or issued the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

22. *Savings.*— (1) (i) Every person giving an exhibition of film on Television screen through Video Cassette Recorder, or

(ii) every person keeping any Video Library immediately before the date of publication of the Goa Exhibition of films on Television Screen through Video Cassette Recorder and Cable Television Network (Regulation) Act 1993 in the Goa Government Gazette, shall obtain a licence under this Act within a period of two months from the said date.

(2) If the person referred to in sub-section (1) fails to obtain the licence within the period mentioned in sub-section (1), he shall discontinue such exhibition and in the case of Video Library, he shall close such Video Library.

(3) The provisions of this Act, shall be in addition to, and not in derogation of, the Cinematograph Act, 1952 (Central Act XXXVII of 1952) and any other law for the time being in force; and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart from this Act, be instituted against him.

#### Statement of Objects and Reasons

At present there is no provision or law existing in Goa to regulate the business of exhibition of films on television screen through Video Cassette Recorder,

as well as exhibition of films on Television screen through Cable Television Network. The business of keeping Video Cassette Libraries are in full swing. Similarly, the Cable Television Operators are piping through Cable Television Video Cassette programmes to their subscribers to be viewed by them in their respective houses by connecting row of houses through cables. The business of Video parlours are also in full swing in Goa. In the absence of the Legislation on the exhibition of films, through Cable Television Network, and the Video Cassette Recorder; the Govt. has to lose the revenue. It is therefore felt to regulate the exhibition of films through Video Cassette Recorder and the Cable Television Network system by issuing the licence, and to off-set the loss in the entertainment tax collections. There will also be check on Video Cassette Libraries for circulation, and on the exhibition of uncertified films and to prevent the circulation of B. P. films.

#### Memorandum regarding Delegated Legislation

Clause 21 of the Bill authorise Government to issue notification or to make rules as the case may be, for the purpose specified therein.

The powers delegated are normal and not of an exceptional character.

#### Financial Memorandum

It is not possible at this stage to estimate with any degree of accuracy the receipt of the revenue to the Govt. and the expenditure to be incurred as a result of the proposed Legislation.

Panaji.

21st June, 1993.

SURENDRA V. SIRSAT

M. L. A.

Assembly Hall

Panaji.

22nd June, 1993.

ASHOK B. ULMAN

Secretary to the  
Legislative Assembly of Goa.

#### Notification

LA/B/3163/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 16-7-93 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Dated 16th July, 1993.

#### The Goa Public Libraries Bill, 1993

(Bill No. 20 of 1993)

A

BILL

to provide for the establishment, maintenance and development of public Libraries in the State of Goa and for matters ancillary thereto.

Be it enacted by the Legislative Assembly of Goa in the Fortyfourth year of the Republic of India as follows:—

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa Public Libraries Act, 1993.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint.

2. *Definitions.* — In this Act, unless the context otherwise requires, — (a) "Aided Library" means a public library run by private initiative, receiving State Government assistance as per existing rules;

(b) "Authority" means the State Library Authority constituted under sub-section (1) of section 4;

(c) "book" includes —

(i) every volume, part or division of a volume, be it a printed work or a manuscript or a micro-film, or a video/audio cassette or a photograph or a compact disc;

(ii) every sheet of music, map, chart or plan separately printed or lithographed;

(iii) newspapers, periodicals and other such materials;

(d) "book service" means reference service, lending out books to members of Public Libraries, helping groups with books, helping people to know the whereabouts of a book or books, and helping them to procure the books they need.

(e) "Departmental Library" means a library maintained by a Department of the Government;

(f) "Government" means the Government of Goa;

(g) "Public Library" means a library, which permits members of the public to use it for reference or borrowing without charging fee or subscription;

(h) "reference service" means assistance from the library staff to the reader or user of the library to enable him to know, locate and consult books and other materials and to secure from such books and materials information relevant to his purpose;

(i) "State" means the State of Goa;

(j) "Year" means the financial year.

3. *Establishment of Library Service.* — (1) The Government shall establish, maintain and develop Library Service in the State.

(2) For carrying out the purpose of sub-section (1), the Government may, —

(a) acquire for its Public Library sufficient number of books;

(b) offer in its Public Library an adequate book, and reference service;

(c) promote reading habit and the use of books for the benefit of the people;

(d) establish and sponsor organisations and institutions with a view to promote public interest and participation in the Public Library;

(e) give adequate library service to all Government Departments and Offices subordinate or attached to these Departments;

(f) provide library training facilities to ensure adequately trained personnel for libraries in the State;

(g) provide or secure suitable conditions of service for the library personnel in the State;

(h) promote co-operation between the Public Libraries and cultural and educational institutions;

(i) promote production and publication of useful literature.

(3) The Government shall discharge its functions and responsibilities under this section through—

(a) the State Library Authority;

(b) Directorate of Libraries;

(c) the State Public Library; and

(d) the Co-operating Institutions.

4. *Constitution and establishment of authority.* —

(1) With effect from such date as the Government may, by notification, specify in this behalf, the Government shall establish, for the purpose of this Act, an authority to be known as State Library Authority, with headquarters at such place as the Government may specify.

(2) The Authority shall consist of.—

(i) the following ex-officio members:—

(a) The Minister-in-charge of libraries who shall be the Chairman;

(b) the Secretary, Education;

(c) the Secretary, Finance;

(d) the Secretary, Social Welfare;

(e) the Secretary Municipal Administration;

(f) the Secretary, State Development and Panchayat Department;

(g) the Vice-Chancellor, Goa University;

(h) the Chairman or President, State Library Association;

(i) Director, Directorate of Education;

(j) Director, Directorate of Art & Culture;

(k) Curator/State Librarian;

(l) Director, Directorate of Historical Archives and Archaeology.

(m) President of Goa Chamber of Commerce and Industry;

(n) Librarian, Goa University;

(o) Director, Directorate of Libraries who will be the Secretary;

(ii) a member of the State Legislative Assembly interested in Library development to be nominated by the Government;

(iii) Three representatives from educational institutions, one each from College, Higher Secondary and High School, nominated by the Government;

(iv) Not more than four non-official members having special knowledge of libraries or eminent citizens to be nominated by the Chairman of the Authority;

(v) Two readers representatives nominated by the Government.

(3) The Authority shall advise the Government on all matters mentioned under section 3 and also in regard to promotion and development of library service in the State.

(4) The Authority shall meet at least once in a year.

(5) A nominated member of the Authority shall hold office during the pleasure of the Government: provided that his term of office shall not exceed four years from the date of his nomination.

(6) Whenever any member dies, resigns, becomes incapable of acting as a member or is otherwise removed, the Government may nominate other member for the unexpired period of the term of such member.

(7) The Authority shall frame regulations for transacting its business and for matters in respect of which regulations are to be framed by it under this Act and may appoint Committees.

5. *Standing Advisory Committee.*—(1) Within a month of the constitution of the Authority an eleven members Standing Advisory Committee shall be constituted of which eight members will be nominated by the Chairman of the Authority from amongst the members of the Authority and the Secretary, Department of Libraries, the Director, State Library Directorate and the State Librarian shall be ex-officio members.

(2) The Chairman of the Authority shall nominate any members of the Standing Advisory Committee to be its Chairman and the Secretary of the Authority shall also be the Secretary of the Standing Advisory Committee.

(3) A member of the Standing Advisory Committee shall cease to hold office when he ceases to be a member of the Authority.

(4) The functions of the Standing Advisory Committee shall be:—

- (i) to advise the State Library Directorate in all technical matters relating to the library, development and organisation.
- (ii) to make recommendations to the authority on matters relating to the promotion and development of library service in the State.

6. *State Library Directorate.*—(1) Government shall constitute a State Library Directorate which shall be a department of the Government. The functions of the State Library Directorate shall be as follows:—

- (a) to prepare the annual as well as short or long term plan for libraries in the State in co-operation with the development and other concerned departments of the Government and of the Central Government;

(b) to prepare and publish descriptive and statistical reports on the working of all the Public Libraries;

(c) to arrange or to secure training of various categories of library employees;

(d) to conduct inspection of and render advisory service to the district taluka and other libraries in the State;

(e) to administer the system of grant-in-aid to the aided libraries, and to undertake their inspection.

(2) The Director of State Library, (herein after called the Director) shall have adequate academic and professional qualifications and shall be appointed by the Government, and will have the rank of Head of Department.

(3) The State Library Directorate shall have staff with adequate qualifications and training.

(4) The Director shall perform the following duties:—

(a) he shall participate in all meetings of the Authority and the Committees which may be set up by the Authority.

(b) he shall be responsible for carrying out such of the recommendations of the Authority as have been approved by the Government;

(c) he shall perform such other duties as may be prescribed in the regulations made by the Authority;

(d) subject to any rules made by the Government Directorate:

(i) shall be responsible for implementing the programme of work for the year as approved by the Authority;

(ii) shall administer the grant-in-aid to aided libraries;

(iii) shall decide where district and other libraries in the State are to be set up and approve the constitution and bye-laws of a Public Library;

(iv) may absorb and aided library into the Public Library of the State.

7. *State Central Library.*—The Government shall by an order establish a State Central Library located in the State.

8. *Book Stock of the State Central Library.*—(1) The stock of books in the State Central Library shall consist of books acquired through any legislation for the time being in force providing for compulsory acquisition of books published in the State, books acquired otherwise by purchase, exchange, gifts and bequests and its own publications.

(2) Materials in the State Central Library may also include films, filmstrips, slides, tape and gramophone records, maps, charts, bulletins, photos, pictures, compact disc.

9. *Certain Volumes to be delivered to State Librarians.*—(1) The Head of a department in the Government shall deliver to the State Central Library all



books in his office no longer needed there, but which in the opinion of the State Librarian will be of use in the State Central Library.

(2) All books and other materials which have to be purchased by the State Librarian shall only be purchased on the advice of a Book Selection Committee to be constituted by the Authority.

10. *Department of State Central Library.* — (1) The State Central Library shall have at least two sections, viz, State Reference Library Section and the State Lending Library Section.

(2) The functions of the State Reference Library Section shall be as follows: —

(a) to maintain a representative collection of reference books and publications such as those mentioned in clause (b) of sub-section (2) of section 3;

(b) to procure and maintain in a readily available manner all books, reports, especially the reports of the House of Parliament and the State Legislative Assembly and Central and State Governments reports publications together with their indices as well as other reference materials needed for consultation;

(c) to maintain a catalogue of the important academic libraries in the State;

(d) to undertake bibliographical work, including special bibliographies for the use of scholars and research workers, and to prepare useful catalogues and bibliographies in the regional languages;

(e) to offer, in co-operation with departmental and research libraries, book and bibliographical service to institutions, groups and individuals engaged in higher studies and research;

(f) to promote library service for children;

(g) to organise library conferences and book exhibitions;

(h) to provide technical assistance and information to the district and other librarians in the State;

(i) to act as the centre of book exchange and inter-library lending within and outside the State;

(j) to prepare and issue reports on the working of libraries, especially the public libraries in the State.

(3) The State Reference Library shall not lend books for use outside the premise of the library.

(4) The functions of the State Lending Library section shall be as follows: —

(a) to render home-lending service;

(b) to replenish from time to time the stocks of district libraries;

(c) to give book service to cultural and educational institutions and social welfare organisations;

(d) to arrange book-exhibitions and book displays on suitable occasions;

(e) to publicise its book-stock and to arrange for extension service;

(f) to publish library reports and literature;

11. *State Librarian.* — (1) The Officer-in-Charge of the State Central Library shall be known as the Curator/State Librarian having adequate academic and professional qualifications.

(2) The State Librarian shall be appointed by the Government.

(3) The State Librarian shall:

(a) be responsible for the management of all the departments of the State Central Library;

(b) maintain the stock of books and conduct all approved activities of the State Central Library;

(c) advise the Authority on all technical matters;

(d) submit to the Director, a report on the working of the Library during the previous financial year, which report shall also include the detailed statement of receipts and expenditure on account of the State Central Library.

(4) The State Librarian shall be subordinate to the Director.

(5) The State Librarian shall be assisted by professional technical and general staff running the State Central Library.

12. *The District Library.* — (1) There shall be a District Library in each district rendering book service to the residents of a district.

(2) In addition to the District Library under sub-section (1), there shall also be the following types of libraries, namely:—

(a) Municipal Library,

(b) Taluka Library,

(c) Village Library; and

(d) Smaller book deposit centres.

13. *Functions of a District Library.* — The functions of a District Library shall be as follows:

(a) to provide reference and bibliographical service in the district;

(b) to extend library service in the urban and rural areas by setting up taluka branch libraries, mobile libraries and deposit centres and to extend similar service in the district through the various taluka libraries and other library units;

(c) to feed taluka libraries with supply of suitable books;

(d) to co-operate with and help the aided libraries in the district in accordance with the instructions of the Director;

(e) to co-operate with other institutions and groups, especially the social educational institutions and workers, in promoting adult education and library mindedness among the people;

(f) to arrange conferences, camps and seminars of librarians and other library workers in the district.

14. *District Library Committee.*— (1) There shall be a district library committee for each District Library in the State which shall be constituted in accordance with such regulations as may be framed by the Authority.

(2) The District Library Committee shall, subject to the approval of the authority, frame its rules of business and procedure for carrying out the functions of the District Library.

(3) The functions of a District Library Committee shall be as follows:—

(a) to supervise the work of the District Library and the various library units;

(b) to start branch libraries;

(c) to take all necessary steps to develop public library service in the district;

(d) to employ in accordance with the regulations framed by the authority, staff for the District Library;

(e) to make provisions for purchase of books, films, filmstrips, records, furniture, equipment, book-mobile and other material for the District Library;

(f) to acquire, purchase or hire land or other properties and effects, and build, alter, repair and extend buildings and fit up and furnish the same with requisite furniture, fittings and conveniences;

(g) to accept any endowment, bequest or gift for the purpose of promotion and development of library service as envisaged in this Act;

(h) to organise or participate in conferences and exhibitions relating to libraries and spend such sum as may be reasonable in connection with such conferences and exhibitions and depute any person or persons to attend any such conference or exhibition;

(i) to provide accommodation for lectures and other cultural and educational activities of short duration in the premises of libraries in the District Library;

(j) to arrange library timings provided that the number of hours of daily service to the public shall not be less than the minimum laid down by the Authority;

(k) to extend library service in its area by setting up branch libraries, mobile libraries and deposit centres.

(4) If any question arises whether a particular matter is or is not within the purview of power of district or any other library committee the decision of the Authority thereon shall be final.

(5) The District Library Committee shall meet as often as the Chairman thereof may decide to summon it, but preferably at least four times a year.

15. *Taluka Library Committee.*— (1) There shall be Taluka Library Committee for each Taluka Library and its constitution and functions shall be such as may be laid down in rules framed by the District Library Committee concerned.

(2) The Taluka Library Committee shall, subject to the approval of the District Library Committee concerned, frame its rules of business and procedure.

16. *Village Library Committee.*— (1) There shall be a Village Library Committee for each Village Library and its constitution and functions shall be such as may be laid down in rules framed by the District Library Committee concerned.

(2) The Village Library Committee shall, subject to the approval of the District Library Committee concerned, frame its rules of business and procedure.

17. *Employees of the Public Library.*— (1) The Government shall create cadres for Public Library employees similar to those of the employees of Government Departments and lay down the qualifications and the other terms and conditions of service for those cadres.

(2) Within a year of its first constitution, the Authority shall frame service rules for the various categories of library employees.

18. *Public Library Finance.*— (1) The Government shall frame the annual budget of Public Libraries in the State within the broad frame work of the plan.

19. *Framing of Rules and Regulations.*— The Authority shall prepare model bye-laws, rules and regulation regarding the administration of library service in the State.

20. *State Library Association.*— (1) Authority shall recognise only one State Library Association as Cooperating Institution, the constitution of which shall be approved by the Authority.

21. *Power to make Rules.*— (1) Government may by notification make rules for carrying out the purpose of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rules or the House agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or amendment shall be without prejudice to the validity of anything previously done under this rule.

## Statement of Objects and Reasons

The New Education Policy and the National Policy on Library and Information System have recommended development of Public libraries in the country as an imperative need to make people educated, informed and enlightened in a democracy. The All India Library Conference too has urged all the State Governments to introduce library legislation and develop public library network. Several States like Tamil Nadu, Andhra Pradesh, Maharashtra, Karnataka, West Bengal, Kerala, Manipur and Haryana have introduced library Legislation and have made progress in Public library development.

The rate of literacy in Goa is fast growing. The literate population should be better informed, educated and enlightened for smoother and faster development of the State and hence a net-work of Public libraries is necessary.

This Bill seeks to provide for constitution of a Authority, State Library Directorate, establishment of a Library services and to make a budgetary provisions for establishment and maintenance of Public libraries.

## Financial Memorandum

This Bill seeks to constitute a Authority, State Library Directorate, establishment of a Library services and to make a budgetary provisions for establishment and maintenance of a network of Public libraries. The expenditure depends upon the scope of activities and hence cannot be estimated at this stage.

## Memorandum Regarding Delegated Legislation

Clause 21 of the Bill empowers the Government to make rules to carry out the purpose of the Act.

This delegation is of normal nature.

Panaji,  
21st June, 1993,

DOMNICK FERNANDES  
M. L. A.

Panaji,  
Assembly Hall,  
28th June, 1993,

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa.